

THURSDAY, MARCH 4, 2004

Justice speaks of African-American history

By Beth Hlavek

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Racial legal issues have posed complex and intriguing issues for Indiana's courts since the state's inception as a free state that barred slavery, the state's top judge says.

Indiana historically aligned itself with anti-slavery forces and human rights affirmation, despite a black mark in which state law restricted African-American immigration during the 1850s, said Chief Justice Randall T. Shepard.

Shepard, who was born in Lafayette, addressed an estimated 70 people on Wednesday at St. John's Episcopal Church, 600 Ferry St., which once was a haven along the underground railroad.

As early as 1820 — just four years after Indiana's inception — the state Supreme Court ruled in

Lasselle vs. State that a slave's daughter could not be considered a slave once she lived in Indiana, Shepard said.

By contrast, Illinois' Supreme Court had ruled that a slave acquired in another state remained the owner's property.

"I wanted to help people appreciate some of the pieces of Indiana history that are worth being proud of," said Shepard, a former chairman of the National Trust for Historic Preservation's board of advisors.

"That's really what this story is. As we debate issues about what we should do, we often don't give ourselves enough credit."

Tippecanoe County Historical Association sponsored Shepard's visit in conjunction with other events it held in February to celebrate Black History Month.

On the Net



For more information on Indiana slave cases, check the Indiana Supreme Court's "Courts in the Classroom" Web site: www.in.gov/judiciary/education

Tippecanoe County Historical Association: www.tcha.mus.in.us

The visit gave Shepard a chance to drive by the South Street house where his family lived in 1946 when he was born at Home Hospital. At the time, Shepard's father worked at the downtown Sears.

Shepard lived in Lafayette for only a few years and was raised in Evansville. On Wednesday, he

gave TCHA directors a photograph of his grandmother teaching kindergarten in 1911 at a school he has not been able to identify.

Shepard has been chief justice of the Indiana Supreme Court since 1987, longer than anyone else in the state's history.

He told the assembly on Wednesday that he considered the Civil War (1861-1865) to be the most transforming event in Indiana's history, in part because of its impact on race relations.

The 1851 Indiana Constitution contained provisions that restricted immigration of free blacks, nullified contracts with African-Americans and fined individuals who encouraged them to stay in Indiana, Shepard said.

But the *Freeman vs. Robinson* case in 1855 found that John

Freeman, a black Indianapolis businessman falsely identified as a runaway slave, was entitled to sue a federal marshal for assault, battery and extortion during his arrest.

TCHA executive director Kevin O'Brien described Shepard as a "real enthusiast of state history."

"I like the idea that he used facts, but they were controversial facts that I think a lot of people may not be aware of," he said.

Lafayette resident Ingrid Rounds Hardy said she enjoyed Shepard's lecture and wished it would have been more widely promoted.

"I think perhaps it speaks to the wealth of history we have here in Indiana, as well as the positiveness of diversity," she said.



By John Terhune/Journal and Courier
RANDALL SHEPARD, chief justice of the Indiana Supreme Court presents the lecture "African Americans in Indiana History and the Law" on Wednesday at St. John's Episcopal Church.